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8 **IN THE UNITED STATES DISTRICT COURT**
9 **FOR THE EASTERN DISTRICT OF CALIFORNIA**
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11 MELANIE MacNIVEN,

No. CIV S-04-2401-CMK

12 Plaintiff,

13 vs.

ORDER TO SHOW CAUSE

14 JO ANNE B. BARNHART,
15 Commissioner of Social Security,

16 Defendant.
17 _____/

18 Plaintiff, who is proceeding with retained counsel, brings this action for judicial
19 review of a final decision of the Commissioner of Social Security pursuant to 42 U.S.C. § 405(g).
20 Pursuant to the stipulation of the parties and the court's September 23, 2005, order, defendant's
21 response to plaintiff's complaint is due by October 31, 2005.

22 A review of the docket reflects that defendant has notified the court regarding
23 consent to proceed before a Magistrate Judge. Plaintiff, however, has not notified the court
24 regarding consent. Pursuant to the court's scheduling order and Eastern District of California
25 Local Rules, Appendix A, the time to do so has now expired. Plaintiff will be required to show
26 cause regarding her failure to comply. Plaintiff is advised that the submission of proper

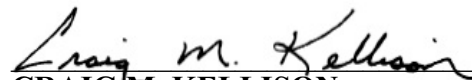
1 notification regarding consent will be considered an adequate response to this order to show
2 cause. Plaintiff will be forwarded a copy of the court's form regarding consent.

3 Accordingly, IT IS HEREBY ORDERED that:

4 1. Plaintiff shall show cause in writing, by October 31, 2005, why this action
5 should not be dismissed for lack of prosecution and failure to comply with court rules and orders;
6 and

7 2. The Clerk of the Court is directed to serve on plaintiff a copy of the court's
8 form entitled "Consent to Assignment or Request for Reassignment".

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10 DATED: October 19, 2005.

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13 **CRAIG M. KELLISON**
14 UNITED STATES MAGISTRATE JUDGE
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